(1)

IN THE HON'BLE HIGH COURT OF CHAATTISGARH AT BILASPUR

Single Bench

M.C.C. 527 **\2006 S.B.**

(Application for restoration of appeal u/041 Rule 19 r/w 042 R1 CPC)

APPLICANTS : 1. **Awatar Sing S\O Harnam Singh Sikh, aged about, 65 years**

APPELLANT :

2. **Gurucharan Singh S\o Matwal Singh Sikh Aged about 50 years , Both R\o Budhwari Para, Dongargarh, Distt. Rajnandgaon (C.G.)**

3. **Kanhaiya S\o Mangatu (Deft.No.3 dead) Through Legal represantative, Smt. Hemwati Sahu , aged about 60, years W\o Late Shri Kanhaiya R\o Danteshwari Para, dongargarh, Distt. Rajnandgaon (C.G.)**

4. **SukhiRam S\o Premlal Sahu , aged about 55 years, Samiti Sevak, Kawardha, Distt. Kawardha (Kabirdham) C.G.**

5. **Suman Bai D\o Premlal Sahu , aged about 40 years, R\o Deori,Bhilai Distt. Durg (C.G.)**

P.R. No. 2722\06
Presented by Shri Gunwantkar Tiwari
dated 19/9/06

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NOTARY Ashok Agrawal NOTARY DURG (C. G.) INDIA Govt. of (C.G.) R.N.C.G /04/16/8/2001

V/S

Non-APPLICANTS: RESPONDENTs

1. **Suraja Bai W\o Shyama Charan aged about 70 years, R\o Budhwari Para, Dongargarh, Distt. Rajnandgaon (C.G.)**

2. **Rukhmani Bai D\o Shyamacharan , aged about50 years, Luchakipara, Durg, Distt. Durg (C.G.)**

3. Ramkumar S\o Late Shyama Charan ,aged about 48 years, R\o Budhwari Para, Dongargarh, Distt. Rajnandgaon (C.G.)
4. Radhelal S\o Late Shyamacharan Sahu,aged about 46 years, R\o Bhilai Sector 2, Distt. Durg (C.G.)
5. Chandrika Bai D\o Shyama Charan ,aged about 40years, R\o Indira Nagar, Dongargarh, Distt. Rajnandgaon (C.G.)
6. Malati Bai D\o Late Shyamacharan Sahu,aged about 41 years, R\o Bhilai Sector 6, Distt. Durg (C.G.)

7. Rekha Bai D\o Shyama Charan , aged about 37 years,
8. Revati Bai D\o Shyama Charan , Aged about 35 years,
   Both R\o Kalka Para, Dongargarh, Distt. Rajnandgaon (C.G.)
   All respondents no. 1 to 8 Through counsel Shri Anoop Mazumdar, Advocate, High Court, Bilaspur (represented in S.A. 242\06)
9. State of Chhattisgarh, Through Collector, Rajnandgaon (C.G.) (Defendant No.3)

NOTARY
Anoop Agrawal
NOTARY
DURG (C. G.)
INDIA
R.N.C.G.

APPLICATION FOR RESTORATION OF APPEAL UNDER ORDER 41 RULE 19 R\w ORDER 42 RULE 1 C.P.C.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

M.C.C.No. 527/2006 (20)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.01.2007 Shri Yashwant Tiwari, counsel for the applicants. None for the respondent. Heard. This application (M.C.C. No. 527/2006) has been filed for restoration of Second Appeal No. 242/2006, which was an appeal under Section 100 of the Code of Civil Procedure. This application is supported by affidavit of the counsel. This matter was dismissed in default on 23.8.2006, when the Members of the Chhattisgarh High Court Bar absented themselves from the Court proceedings as a mark of protest against the action of the State Government in appointing outsiders as Law Officers of the State. Learned counsel for the applicants submits that about hundred cases were dismissed in default on the said date and the Division Bench of this Court, headed by The Chief Justice, by passing a detailed order dated 6th October, 2006, restored almost about all the cases, which were dismissed by the said Bench on certain conditions. His submission is that the similar treatment may also be given to this case. The prayer appears to be genuine. The order of Division Bench passed in M.C.C. No. 495/2006 perused. For the reasons stated in the order dated 6th October, 2006 passed by the Division Bench in M.C.C. No. 495/2006, this	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C.No. 527/2006 सन् 200

(21)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
vathi	application is allowed on the same terms and conditions, which have been mentioned in the aforesaid order. The dismissed S.A. No.242/2006 shall be restored to its original number on the reasons stated in the order. M.C.C. disposed of. **Sd/-** **Sunil Kumar Sinha** **Judge**	